

PUBLIC WORKSHOP RGPS FOR PUBLICLY FUNDED PROJECTS

Colonel Edward J. Kertis
Commander
Savannah District Corps of Engineers
Macon, Georgia
September 1, 2009



US Army Corps of Engineers
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WHY WE ARE HERE TONIGHT



- **To discuss updated Regional General Permits (RGPs) for publicly funded projects**
- **Background:**
 - ▶ **Regulatory Program has significant role in the national economy via permits issued for construction of public infrastructure and private development.**
 - ▶ **As part of the American Recovery and Reinvestment Act (ARRA), the National Regulatory Program received approximately \$25 million dollars.**
 - ▶ **Many USACE Districts were provided funds to accomplish various tasks that would further goals of ARRA.**
 - ▶ **One of Savannah District's proposals was development of RGPs for publicly funded projects.**



WHY WE ARE HERE TONIGHT



Timeline:

- **April 29, 2009, USACE issued a Joint Public Notice (JPN) advertising the RGPs.**
- **We received hundreds of comments in response to notice.**
- **We conducted additional analyses regarding potential cumulative impacts of the originally proposed RGPs and further refined the scope.**
- **August 12, 2009, we issued a revised JPN.**
- **We are here tonight to answer any questions you may have regarding the modified RGPs.**



Regulatory Division



**Division Chief
Russ Kaiser**

• Lanier Field
Office
• Morrow Field
Office

- 59,000 Square Miles of Land
- 25,000 Miles of Waterway
- 5.5 Million Acres of Wetlands

• Savannah District
Office

• Albany Field
Office



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Primary Regulatory Authorities

Section 10 of the Rivers and Harbors Act



**Regulates structures, or work in or
affecting,
navigable waters of the United
States**

Section 404 of the Clean Water Act of 1972



**Regulates discharges of dredged or fill
material
into wetlands and other waters of the
United States**

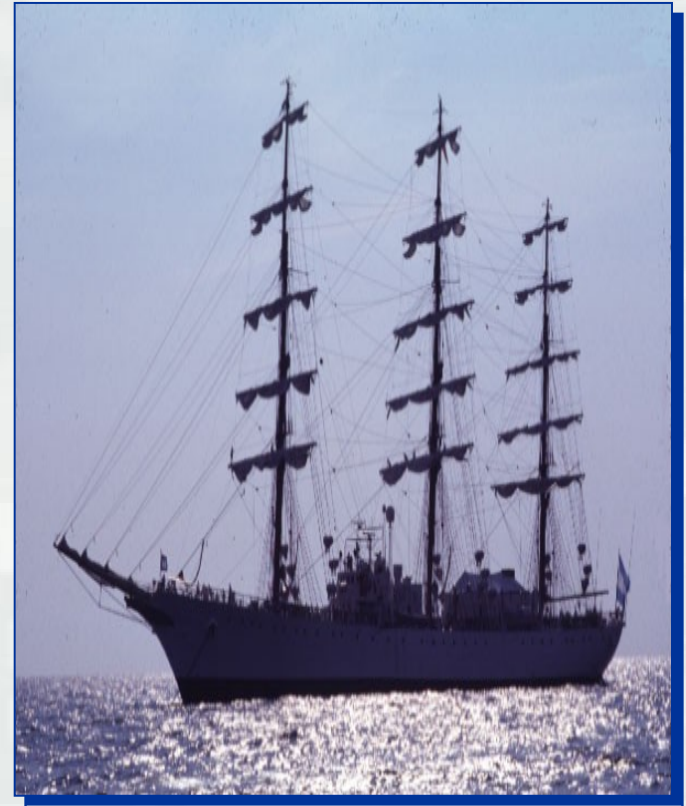




Waters of the United States

Definition:

- **territorial seas**
- **Coastal and navigable inland waters, lakes, rivers, streams, and their tributaries**
- **Interstate waters and tributaries**
- **Wetlands connected or adjacent to above waters**



Jurisdictional Wetlands?



FRESHWATER WETLAND

TIDAL MARSH



PINE FLATWOODS



FLOODPLAIN



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Russell L. Kaiser

Chief, Regulatory Division

Savannah District Corps of Engineers

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Savannah District Enforcement Actions



Federal Penalties

- **Land owner may be required to restore site at own expense**
- **Flagrant violators may be fined up to \$50,000/day**
- **Extreme cases: incarceration up to 2 years**
- **EPA also has fining authority on Section 404 violations**



BEFORE



AFTER





Department of the Army Permits

Request for Authorization

No Permit
Required/Exempt

Individual Permit

General Permit

Regional and
Programmatic

Nationwide
(33 CFR 330)



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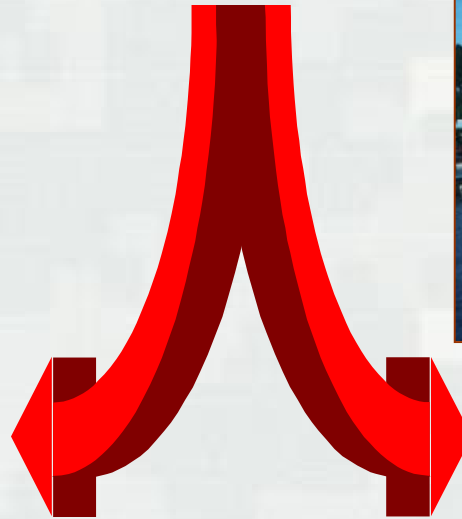
General Permits



Nationwide Permits

Issued by Chief of Engineers for certain activities that are determined to have minimal impacts.

Examples Include: Minor road crossings, buried utility lines, bank stabilization, etc.



Regional Permits

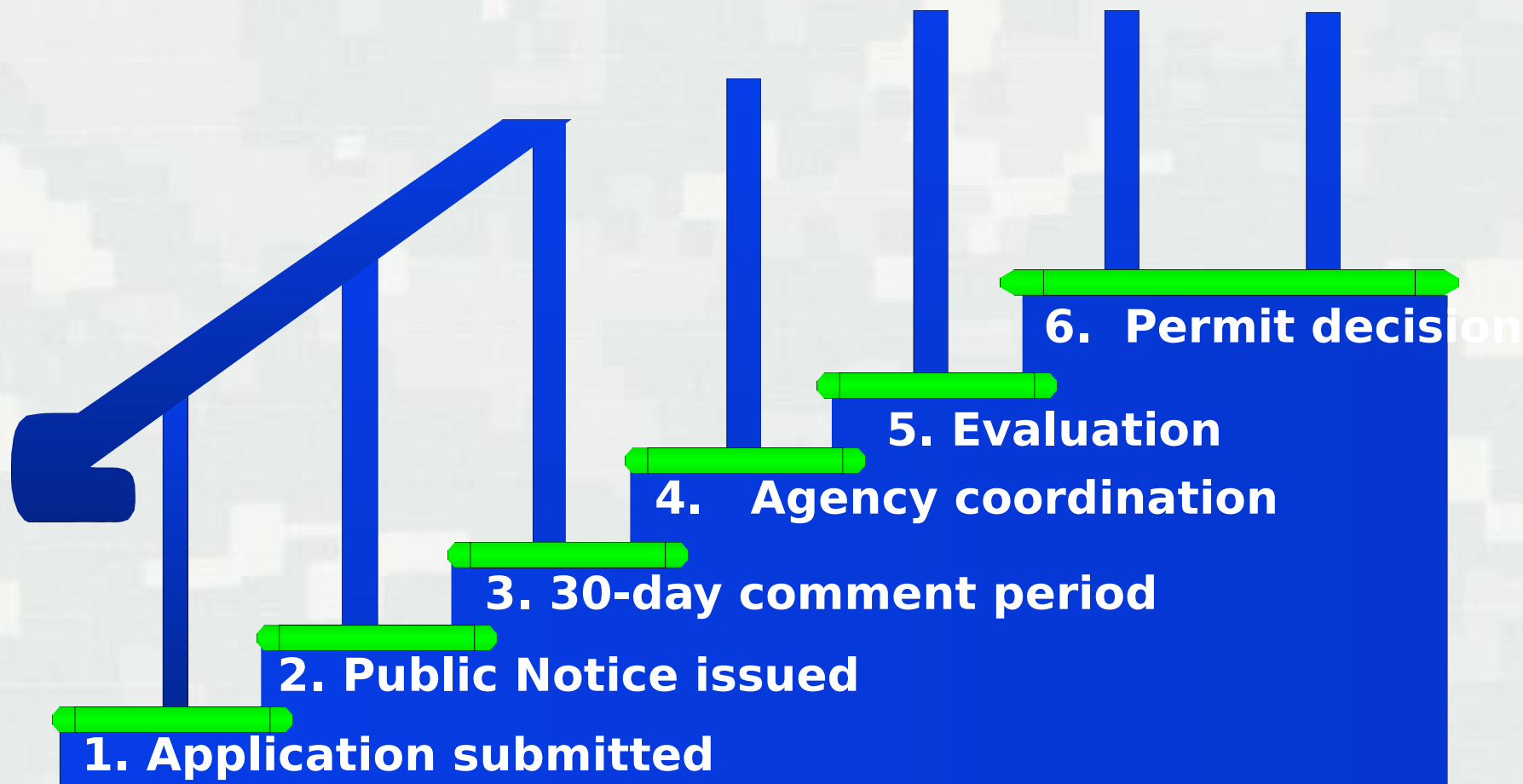
Issued by District Engineer for certain repetitive minor activities within a specific area.

Examples Include: Private boat docks, public boat ramps, offshore reefs, etc.





Individual Permit Process



Proposed Regional General Permits for Publicly Funded, Non-Tidal Projects



GOAL: To establish an avenue for expedited review of publicly funded projects that meet the goals of the ARRA as well as our implementing Regulations.

Regional General Permit 105: Road widening or improvement projects

Regional General Permit 106: Bridge replacement projects

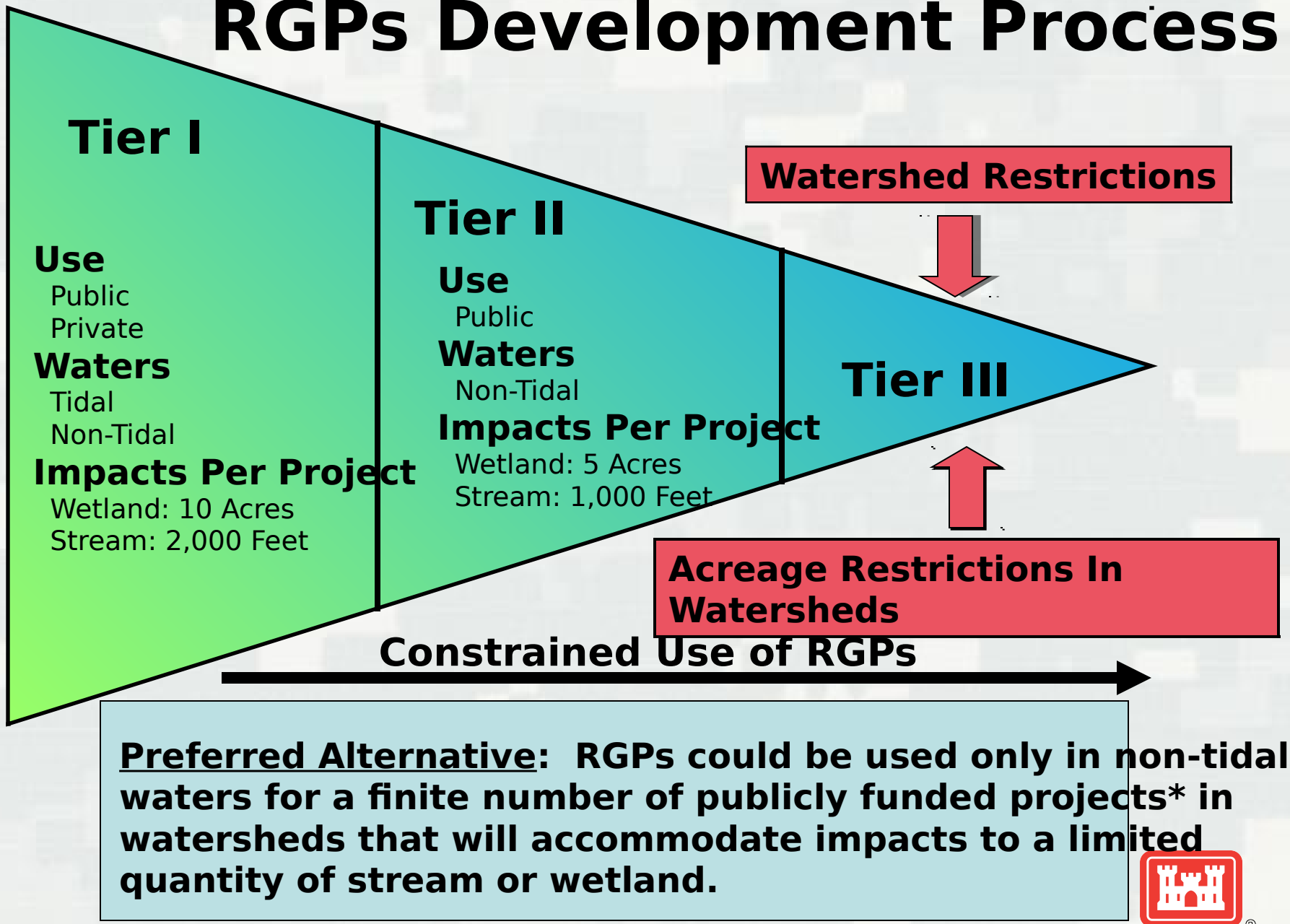
Regional General Permit 107: Institutional facilities such as governmental offices, schools, libraries, and museums

Regional General Permit 108: Infrastructure projects such as water treatment facilities and storm water management facilities



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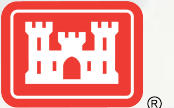
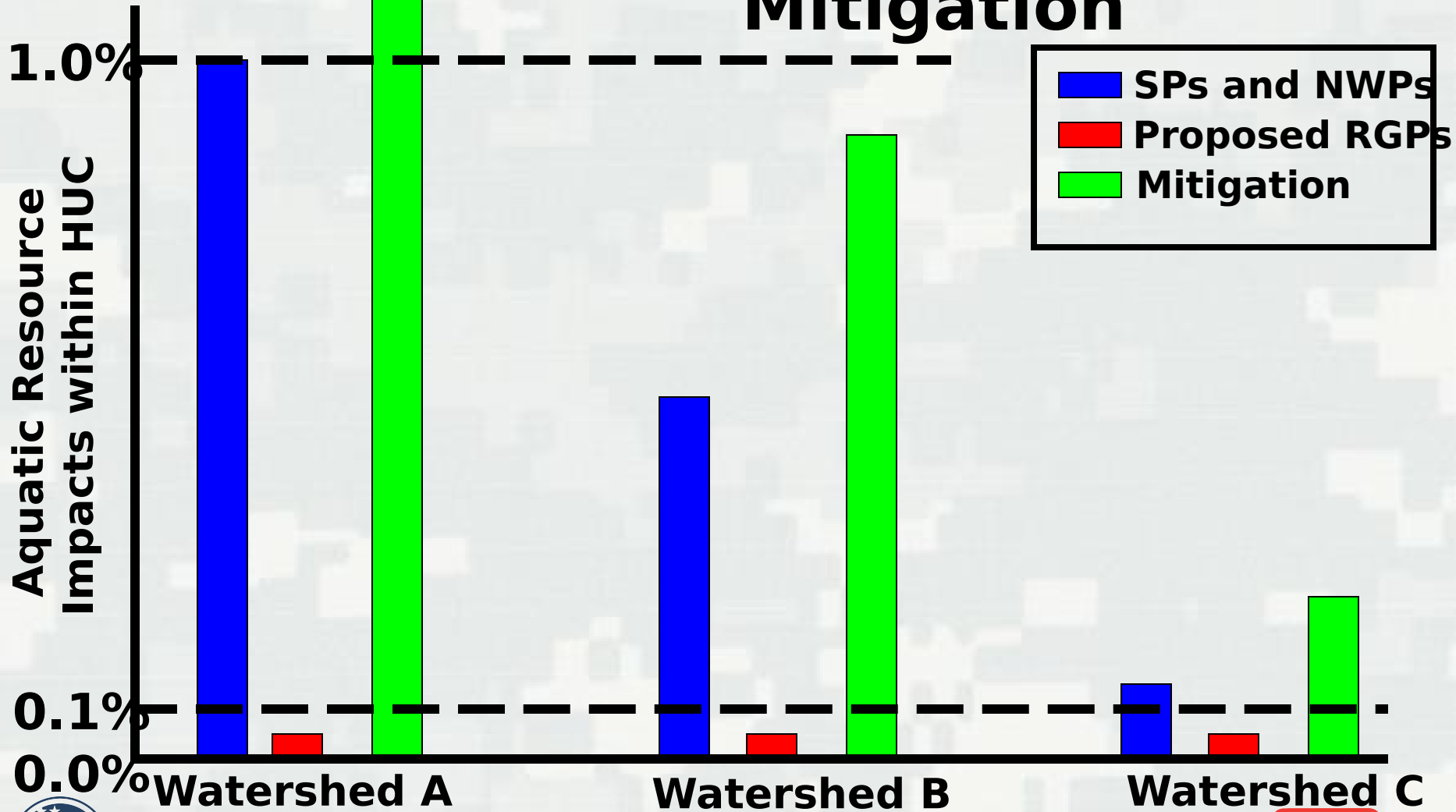
RGPs Development Process



Single project can only impact up to 5 acres of wetland and/or 1,000 linear feet of stream.
Single linear project can only impact 10 acres of wetland and/or 2,000 linear feet of stream
over multiple crossings as long as no more than 3 acres of wetland and/or 500 linear feet of

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Permit Impacts and Mitigation



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Proposed Process for Using RGPs



- 1. RGPs are approved using USACE permit evaluation process.**
- 2. Applicant:**
 - **Hosts public meeting and collects comments**
 - **Conducts T&E Species Survey and Cultural Resource Survey**
 - **Submits a PCN to USACE**
- 3. USACE:**
 - **Ensures project will not exceed maximum threshold impacts**
 - **Coordinates complete PCN with agencies**
 - **Evaluates offsite/onsite alternatives, avoidance minimization measures, proposed mitigation and agency comments**



- 4. USACE makes determination as to whether project meets criteria of RGP or requires processing as a**

RGP Highlights



- 1. RGPs will be only for public projects in non-tidal waters.**
- 2. Projects will be evaluated on a “First Come/First Serve” basis.**
- 3. We will document that each RGP PCN is complete, and requested impacts are permissible in designated watershed and are less than minimal, individually and cumulatively.**
- 4. No work will be performed until the DE notifies permittee, in writing, work is authorized.**
- 5. RGPs cannot be used in combination with other permits to authorize a single and complete project.**



6. RGPs will expire 30 Sep 2010.

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